



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Northeast Fisheries Science Center  
166 Water Street  
Woods Hole, MA 02543-1026

October 3, 2007

MEMORANDUM FOR: Northeast Fisheries Observer Program Observers

FROM: David Potter  
Branch Chief, FSB

SUBJECT: Conflict of Interest

This memo is to serve as a reminder that certain actions and behaviors, while serving as a representative of the Northeast Fisheries Observer Program, are inappropriate or can be potentially perceived as inappropriate, and may be grounds for decertification from the Northeast Fisheries Observer Program.

There are two definitions included in the Observer Standards of Conduct and Behavior.

Conflict of Interest – Participation in activities or relationships with other persons, resulting in the impairment, or possible impairment, of a person's objectivity in performing the contract work.

Direct Financial Interest – Any source of income to an observer that could be influenced by performance or non-performance of duties under the contract.

There are no circumstances under which it is acceptable for an observer to perform the crew's responsibilities such as shucking scallops, shoveling the deck after fish are picked or standing a wheel watch.

Even more importantly, there are NO circumstances when any activity performed by an observer on a vessel should result in acceptance, by the observer, of direct payment, gifts, or any type of gratuity from any person involved with the vessel (Captain, crew, owner, or dock personnel).

Occasionally helping with routine chores, such as washing the dishes or helping prepare a meal, when your work responsibilities are completed, can go a long way towards creating cooperative day-to-day interactions on a fishing vessel. However, those routine chores should never cross the line to performing professional labor on the vessel.



The Standards of Conduct and Behavior that are signed by all observers include the following:

“Observers may not participate in any activity which would cause a reasonable person to question the impartiality or objectivity with which the Observer Program is administered.”

“Observers may not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan or anything of monetary value from anyone who conducts activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or non performance of the observers’ official duties.”

“Observers may not engage in an activity that may give rise to the appearance of a conflict of interest that may cause another individual to question the observer’s impartiality, fairness or judgment.”

“Observers may not solicit or accept employment as a crew member or an employee of the vessel or shoreside processor in any North Atlantic fishery while employed as an observer.”

This is a very serious matter. All reports of alleged activities of this nature are fully investigated by FSB staff, and possibly, NMFS Law Enforcement. Decertification can occur, if allegations are proven to be true.

